IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1945 OF 2005

The State of Maharashtra ...Applicant

vs.

Mhamad Daula Tamboli and others ...Respondents

Ms S.V.Gajare, A.P.P. for the Applicant

CORAM: A.S.OKA,J.
DATE : OCTOBER 16,2006.

P.C.:

1. Heard learned A.P.P. for the Applicant-State. The acquittal of the Respondents is for offences punishable under section 323, 498-A, 504 read with section 34 of the Indian Penal Code.

2. The finding of the trial court is that there is unexplained delay of 52 days in filing the F.I.R. The only explanation offered by the prosecution is that the complainant and her parents were trying to settle the matter.

3. The learned Trial Judge has discarded the case made out by the prosecution on the ground of gross delay in filing the F.I.R. The view taken by the learned Trial Judge is a possible view which could have been taken on the basis of evidence on record. No case is made out for grant of leave. Application is rejected.

JUDGE